



Car Boot Sales / Temporary Markets

January 2012

1 Introduction

- 1.1 Oldham Council owns the market rights to operate, licence or if necessary prevent through legal action all markets within a $6\frac{2}{3}$ radius of any market it operates or licences. Car boot sales have been legally held to fall into the definition of a market.
- 1.2 However, the Council will allow organisations to operate markets subject to their market events meeting certain conditions. If a market is set up without first obtaining the necessary licence from the Council, the market will be considered to be unlawful and the Council will take whatever legal action is deemed necessary to stop that market.

2 Application

- 2.1 Applications must be made on the prescribed form at least 28 days prior to the date of the sale.
- 2.2 Although each application is considered on its own individual merits, it is unlikely that Oldham Council will licence any wholly general retail market or any market type event that contains a substantial element of general retail; nor is it likely that a licence will be granted where there is likely to be economic detriment to Oldham Council or its traders on established markets.
- 2.3 Where a licence is granted the conditions set out in paragraph four will need to be complied with. Failure to comply with these conditions may result in any future application being refused or any existing licence being revoked.
- 2.4 The submission of an application to hold a car boot/event /market does not give the automatic right to hold a market and a market consent letter will still need to be obtained.

3 Planning Implications

- 3.1 Organiser need to be aware that if it is intended to operate a market event for more than 14 days in any calendar year on a particular piece of land, planning consent must be sought from the local Planning Authority as stipulated by The Town and Country Planning (General Permitted Development) Act 1985. Planning permission is also required if the land the market takes place on is within a building or a curtilage of a building or the use of the land for a market involves the construction or siting of any immovable structures. If you believe your market falls into one of the above categories it may be advisable to speak to the local Planning Authority on 0161 770 4105.
- 3.2 If planning permission is necessary and has not been obtained then the application for a market's licence will be refused. However, please note that the obtaining of planning permission itself does not give the automatic right to hold a market and a market licence will still need to be obtained.

4 Conditions

- 4.1 Temporary Markets - Where a licence is granted for a 'Temporary Market' the licence holder must ensure the following conditions are adhered to.
 - i) Alcohol, tobacco products and livestock/live animals must not be sold;

- ii) Organisers should ensure that no counterfeit/illegal/contraband or offensive goods are sold. If they are, the inspectors who will inspect the event on the day will inform Trading Standards and the Police, who have the powers to prosecute;
- iii) Proper toilet facilities must be provided;
- iv) Organisers should note that no food should be sold from the boots of cars and all food including that being sold from catering vehicles must be registered under the Food Act and comply with the requirements of the Food Safety (General Food Hygiene) Regulations 1995;
- v) Where applicable proof must be provided that the site owner has given permission for their land to be used for the purpose of holding a market;
- vi) If operated on a Sunday the market complies with the Sunday Trading Act in that it will not allow trading for more than a maximum of 6 hours;
- vii) The organiser shall not cause or permit notices or posters advertising the event to be displayed on lamp posts, buildings etc, without permission of the owner, or in contravention of the Town and Country Planning Act 1990, (Advertisements without permission);
- viii) The site of the sale and all roads must be left in a clean and tidy condition and free from litter immediately after the close of the sale;
- ix) Organiser must take out public liability insurance, to cover their liabilities, to a level of cover of £5 million and a copy of your certificate should be enclosed with your application form;
- x) The organiser must consider traffic problems including access for emergency vehicles and notify the police where appropriate. The organiser will be responsible for any additional policing costs;
- xi) Consent will not be granted for future sales to any organiser who breaches any of these conditions;
- xii) Organisers need to be aware that if it is intended to operate a market event for more than 14 days in any calendar year on a particular piece of land, planning consent must be sought from the local Planning Authority as stipulated by The Town and Country Planning (General Permitted Development) Act 1985. Planning permission is also required if the land the market takes place on is within a building or a curtilage of a building or the use of the land for a market involves the construction or siting of any immovable structures. If you believe your market falls into one of the above categories it may be advisable to speak to the local Planning Authority on 0161 770 4105. Please note that the granting of planning permission does not give the automatic right to hold a car boot or event;

4.2 Car Boot Sales - Where a licence is granted for a 'Car Boot Sale' the licence holder must sign up to, and adhere to the conditions set out in, the Councils 'Real Deal' Scheme; a copy of which is attached at appendix I



CODE OF PRACTICE

CAR BOOT SALES

Full name of car boot sales organiser: _____

Address of organiser: _____

Contact telephone number: _____ **Fax:** _____

Email: _____

Car boot sale venue(s): _____

Membership of the scheme requires organisers to adhere to the terms and conditions laid out in this Code of Practice.

In determining whether to give consent to a car boot consideration shall be given to ensure there is no economic detriment to Oldham Council or its traders on established markets. Although each application is considered on an application by application basis, it is unlikely that Oldham Council will grant consent to any wholly general retail car boot sale or any market type event that contains a substantial element of general retail.

Where applicable, proof must be provided that the site owner has given permission for their land to be used for the purpose of holding a car boot sale.

The organiser must take out public liability insurance to cover their liabilities to a level of cover of £5 million and a copy of your certificate should be enclosed with your application form.

Organisers need to be aware that if it is intended to operate a car boot event for more than 14 days in any calendar year on a particular piece of land, planning consent must be sought from the local Planning Authority as stipulated by The Town and Country Planning (General Permitted Development) Act 1985. Planning permission is also required if the land the car boot sale takes place on is within a building or a curtilage of a building or the use of the land for a car boot sale involves the construction or siting of any immovable structures. If you believe your car boot sale falls into one of the above categories it may be advisable to speak to the local Planning Authority on 0161 770 4105.

In order to secure a safe and legal environment the car boot sales organiser agrees to the following Code of Practice:

Working with Oldham Trading Standards

1. Liaise with, and take advice from, Oldham Trading Standards on any matters relevant to this Code of Practice or other legal issues relating to the supply of goods at the venue.
2. Provide details of a single point of contact for an employee supervising at the venue on the day of the car boot sale. The organiser is required to liaise with Oldham Trading Standards in respect of any matters relevant to the car boot venue.
3. The organiser is required to participate in a six monthly review with Oldham Trading Standards in relation to the car boot sale. The purpose of the review will be to inspect the organiser's records as required under this Code of Practice, to determine if any assistance is required by the organiser, to discuss problems identified in this period and provide any relevant updates. The six month period of review may be subject to change dependant on the level of problems identified at the car boot sale venue.
4. Notify Oldham Trading Standards of any changes to the organiser's contact details provided in this Code of Practice.

Be Aware of Goods being Sold at the Venue

5. Manage the venue effectively and take reasonable steps to patrol the venue throughout the duration of the car boot sale. This will involve walking around the venue at regular intervals in order to actively monitor the goods being sold.
6. Ensure only second hand goods are sold at the venue. No new goods, seconds, returns or food products are to be sold at the venue. Space must not be granted to commercial traders. No livestock / live animals are to be sold at the venue.

Protecting Shoppers from Illegal Goods

7. Prohibit the supply of illegal goods, which include stolen goods, suspected stolen goods, counterfeit goods, unsafe goods, tobacco goods, alcoholic goods, fireworks, offensive weapons and items of a pornographic nature.
8. If you suspect, or are informed that stolen items may be being sold at the venue then the Police should be contacted immediately on 101.

9. Exclude suspected sellers of illegal goods of any description; and remove sellers found to be selling illegal goods or colluding with sellers of illegal goods. Where such sellers refuse to co-operate with the directions of the organiser, seek assistance from Oldham Trading Standards or other relevant authorities. Any organiser who knowingly allows the sale of counterfeit goods at a venue may also be liable for aiding and abetting the sale of those counterfeit goods and may be charged with an offence along with the seller of those illegal goods.
10. Notify Oldham Trading Standards of any suspected sellers of illegal goods together with details of their identities and vehicles. Organisers should provide a description of the items sold, a description of the seller (sex, age, height, build, hair colour, distinctive features etc) and vehicle details (registration, make, model and colour).
11. Act on information from trade mark and copyright holders and other agencies that may highlight the sale of illegal goods.

Be Aware of who is Trading

12. Obtain, whilst collecting payment from sellers for their stalls, the name of the individual in control of the stall and the relevant vehicle information (registration, make, model and colour). These details are to be recorded and a receipt issued to the stallholder. Once receipt books are complete these will be returned to Oldham Trading Standards.
13. Prohibit individuals who refuse to supply the information required in 12 from operating at the venue.
14. Ensure that the information obtained in 12 is stored securely and in compliance with the Data Protection Act 1998.

Provide Adequate Facilities at the Venue and have Consideration for the Surrounding Community

15. Provide adequate toilet facilities at the venue.
16. Ensure any food outlet in operation at the venue has been inspected and approved by the Council's Environmental Health Department.
17. Ensure litter generated at the venue does not gather on surrounding streets and properties.
18. Ensure the venue used for the car boot sale is left clean and tidy.
19. Do not cause or permit notices or posters advertising the event to be displayed on lamp posts, buildings etc, without permission of the owner, or in contravention of the Town and Country Planning Act 1990 (advertisements without permission).
20. Consider and manage traffic problems including access for emergency vehicles and notify the Police where appropriate. The organiser will be responsible for any additional policing costs that may be incurred.

Communicate the Car Boot Sale Venue's Commitment to Fair Trading.

21. Display consumer advice posters, supplied by Oldham Trading Standards, at entrances and exits and other agreed points on the venue site when requested.
22. Ensure all staff employed at the venue are aware of this Code of Practice and its requirements.

If the terms and conditions laid out in this Code of Practice are not adhered to by the organiser then the relevant car boot licence will be revoked.

Please note that the submission of an application to hold a car boot sale / event and the completion of this Code of Practice does not give an operator the automatic right to hold a car boot sale and a letter of consent from the market office will still need to be obtained.

Signed on behalf of the car boot sale organiser: _____

Full Name: _____

Position: _____

Date: _____

**Contact details for Oldham Trading Standards – request to speak to the Duty Officer
(08:40hrs – 17:00hrs: Monday - Friday)**

Telephone number: 0161 770 3470
Fax number: 0161 770 3481
E-mail address: tradingstandards@oldham.gov.uk

Address: Oldham Council
Sir Robert Peacock House
Vulcan Street
Oldham
OL1 4LA

Officer contact details:

Daniel Moore
Trading Standards Officer
0161 770 4498
daniel.moore@oldham.gov.uk

Kirsty Crowther
Principal Trading Standards Officer
0171 770 5022
kirsty.crowther@oldham.gov.uk